"Warriors of Character"

Prevention of Sexual Harassment & Prevention of Sexual Assault

Eighth US Army EO Office

APR 2004

Overview

- ***Leadership & "Warriors of Character"***

- **Part I: Prevention of Sexual Harassment**
- **Army Policy**
- **Reasonable Person Standard**
- **UCMJ**
- **Prevention Strategies**

- **Part II: Prevention of Sexual Assault**
- **Army Policy**
- **Types of Assault & Common Myths**
- **Prevention & Victims Rights**
- **HOOAH4HEALTH.com**

Leadership

HOW WE'RE *THE SAME*

Human Beings - All the same species

Sworn to Support & Defend the U.S. Constitution

Institutional Values

A Common Mission

HOW WE'RE *DIFFERENT*

National Origin
Language
Gender
Color of Skin
Age
Religion

TRUST, COHESION & READINESS

“Warriors of Character”

- **We are, have been, and will remain a values based institution. Our values will not change and they are non-negotiable. *Our Soldiers are Warriors of character.* They exemplify these values every day and are the epitome of our American spirit. They are the heart of the Army.**

GEN Peter J. Schoomaker
35th Chief of Staff of the Army
1 August 2003

"ARMY VALUES"

LOYALTY

DUTY

RESPECT

SELFLESS SERVICE

HONOR

INTEGRITY

PERSONAL COURAGE

8th U.S. Army STANDARDS HANDBOOK, 28 MAY 03, page 52

The Soldier's Creed

I am an American Soldier.
I am a Warrior and a member of a team. I serve the people of the United States and *live the Army Values*.

I will always place the mission first.
I will never accept defeat.
I will never quit.
I will never leave a fallen comrade.

I am disciplined, physically and mentally tough, trained and proficient in my warrior tasks and drills. I always maintain my arms, my equipment and myself.
I am an expert and I am a professional.
I stand ready to deploy, engage, and destroy the enemies of the United States
of America in close combat.
I am a guardian of freedom and the American way of life.
I am an American Soldier

OATH

“ I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States *against all enemies, foreign and domestic . . .*

PART I: SEXUAL HARASSMENT

ARMY POLICY

The policy of the US Army is that sexual harassment is unacceptable conduct and will not be tolerated

The Army is totally committed to creating an environment conducive to maximum productivity and respect for human dignity

SEXUAL HARASSMENT

DEFINITION

A form of gender discrimination which involves unwelcome sexual advances, requests for favors, & other verbal or physical conduct of a sexual nature…

FOUR TENETS

- **Quid Pro Quo - “This for That,”-**
- **Hostile, Intimidating, or Offensive Environment -**
- **Supervisor or Commander Who Uses or Condones Implicit or Explicit Sexual Behavior to Control or Influence -**
- **Deliberate or Repeated Unwelcome Comments, Gestures or Physical Contact -**

Sexual Harassment

Any person in a supervisory or command position who uses or *condones* implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a Soldier or civilian employee is engaging in sexual harassment.

Any Soldier or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual

The Army POSH Policy Applies To…

- **Soldiers and DoD Civilians**
- **Men and Women**
- **On Duty and Off Duty**
- **On Post and Off Post**
- **Everyday… Everywhere**

Common Sense Test:

Ask the Following Questions

- **Is the Conduct *Sexual* in Nature/Connotation?**
- **Is the Conduct *Unwelcome* by Any Person Subjected to It?**
- **Does the Conduct Create a *Hostile / Offensive* Work Environment?**
- **Sexual Favors Demanded, Requested or Suggested As a *Condition* of Job or Mission Success?**

REASONABLE PERSON STANDARD

- *In judging whether the incident is Sexual Harassment it must be viewed from the perspective of a Typical, Reasonable Third Party*

- ***Would a reasonable person find that behavior hostile, offensive, or intimidating and adversely affect his/her ability to do his/her work?***

The Impact: Everyone Loses

- **Impaired Work & Mission Performance (Unit, Victim & Harasser)**
- **Undermines Unit Chain of Command**
- **Creates Unhealthy Climate of Fear, Suspicion & Distrust**

- **Victim: Work Avoidance- Excessive Sick Call, Tardiness/Absences**
- **Victim: Fear, Anxiety, Guilt & Depression**
- **Victim: Fear of Consequences: Retaliation, Not Being Believed, Perceived as "Whiners", Hurting Harasser's Career & Family, or Damaging the Unit's Good Name**

- **Harasser: Loss of Respect, Impaired Ability to Lead, Career Jeopardized, Work Relationships Compromised, & Families Destroyed**

UCMJ- Punishable By:

Making Sexual Comments or Gestures

- **Article 89**: Disrespect Toward Superior Officer
- **Article 91**: Insubordinate Conduct To a WO/NCO
- **Article 117**: Provoking Speech & Gestures
- **Article 134**: Indecent language

Influencing/Threatening Career, Pay or Job of a Person in Exchange for Sexual Favors

- **Article 93**: Cruelty & Maltreatment

Making Unsolicited or Unwelcome Sexual Contact w/ Intent to Gratify Lust or Sexual Desire

- **Article 134**: Indecent Assault

UCMJ- Punishable By:

Threatening the Career, Job or Salary of a Person Unless He or She "Cooperates

- **Article 127**: Extortion
- **Article 134**: Communicating a Threat

Offering Rewards for Sexual Favors / Behaviors

- **Article 134**: Bribery & Graft

Engaging in or Condoning Sexual Harassment Behavior

- **Article 92**: Failure to Obey an Order or Regulation
- **Article 133**: Conduct Unbecoming to an Officer
- **Article 77**: Violating Principle

ADMINISTRATIVE ACTIONS

- Counseling & Additional Training
- Reassignment / Transfer
- Oral or Written Reprimand
- Adverse Performance Evaluation (OER/NCOER)
- Relief for Cause (OER/NCOER)
- Relief of Duty
- Bar to Reenlistment
- Separation
- UCMJ Action

VERBAL / NONVERBAL & PHYSICAL CONTACT

- Jody Calls, Cadences, Profanity & Jokes (verbal)
- T-Shirts, Calendars, Posters & Stickers (nonverbal)
- Emails & Screensavers (nonverbal)

- Attempts To Hug Or Kiss (physical)
- Patting or Pinching (physical)
- Pulling Someone Too Close (physical)
- Cornering / Violating Personal Space (physical)

EXCUSES

- **Boys Will Be Boys . . . Everybody Does It**
- **I Didn’t Know**
- **I Was Only Kidding . . . Oh, Did I Say That**
- **They Asked For It**
- **If They Can’t Take It, They Shouldn’t Be Here**
- **They Like It**
- **That’s The Way I Was Raised**

REASONS FOR UNREPORTED CASES

- **Perception: Chain of Command Won't Respond**
- **Perception: Offenders Rarely Get the Punishment They Deserve**
- **Fear: Retaliation, Rejection & Seen as a Troublemaker**
- **Fear: Chain of Command Will Say- "You Brought It On Yourself" or "You Don't Want To Ruin His/Her Career"**
- **Attempts to Report It or Use the System Resulted in Unfavorable Results**
- **Triviality (Real or Perceived) of the Incident**

TECHNIQUES TO DEAL WITH SEXUAL HARASSMENT

- #1 DIRECT APPROAC
- INDIRECT APPROACH
- THIRD PARTY
- CHAIN OF COMMAND
- A LETTER OR MEMORANDUM
- ORGANIZATION TRAINING / CLASSES
- FILE A FORMAL COMPLAINT

STRATEGIES & RESPONSIBILITIES

- **Be Proactive & Be Alert**
- **Promote Understanding & Awareness**
- **Establish Guidance, Procedures & Policies**
- **Conduct Education & Training**
- **Keep Personnel Informed & Educated**
- **Set The Example & Enforce The Standards**
- **Act Promptly**
- **Promote Fairness, Dignity & Respect 24 / 7**

IF BEHAVIOR PERSISTS…

- File an Informal EO or EEO Complaint
- File Formal Complaint w/ EO Advisor, EEO Office, IG, SJA, Chaplain, Chain of Command
- Complaint Must Be Filed Within 60 Days of Incident
- Those Filed After 60 Days May Be Pursued at Commander's Discretion

REPORTING

- **<u>EO or EEO Hotline</u>: Call to Clarify If Incident or Behavior is Sexual Harassment (Hotlines = Answering Machine After Hours & Weekends)**
- **<u>File Informal Complaint</u>: Report Inappropriate Behavior- This may Fix Minor Infractions (Victim Simply Wants Behavior Stopped)**

<u>EO Hotlines</u>
Area I: 732-6069
Area II: 738-5950/00
Area III: 753-6527
Area IV: 768-6764
DA: 1-800-903-4241

<u>EEO Hotline</u>
738-4475

10 min
Break!

PART II: Prevention of Sexual Assault

What is Sexual Assault?

- **Sexual Assault is: *ANY* Actual or Attempted Sexual Touching *Without Consent***

- ***ALL* Forms of Sexual Assault, Including Rape Are Criminal Offenses- Punishable Under the UCMJ, Indecent Language & Threats Are Also Prohibited**

- **It is Incompatible with ARMY Values; Illegal, Immoral & Dishonorable**

ARMY Policy: AR 600-20

- **NO Tolerance for Sexual Assault & Rape**
- **Violates the Highest Standards of Professionalism & Discipline- Undermines Combat Readiness**
- **Use Awareness & Education (Prevention) Training**
- **Every Allegation Will Be Promptly & Thoroughly Investigated**
- **Provide Compassionate Care for Victims**

Adverse Affects

- Combat Readiness Suffers
- Destroys Unit Cohesion & Teamwork
- Fear & Loss of Trust in Others
- Loss of Trust & Confidence in Chain of Cmd
- Depression & Feelings of Helplessness
- Destroys Self Esteem
- Results in Anger & Guilt
- Risk of Physical Injury & Disease/Infection

Types of Sexual Assault

***"Rape"* Includes the Following ..._**

- **Physical Force- Forced Sexual Intercourse Without Consent**

- **Constructive Force- Use of Threats, Intimidation or the Abuse of Authority (to Commit Rape)**

- **Date/Acquaintance Rape- An Attack By Someone the Victim Knows**

****** Legal Consent Cannot be Given By a Victim Impaired By Alcohol (or Other Drugs)***

Types of Sexual Assault

- **Forcible Sodomy: Oral or Anal Sex Forced Upon Another Person Without His or Her Consent**

- **Indecent Assault: When Someone Assaults a Person to Gratify His or Her Sexual Desires (Nonconsensual Touching, Grabbing, Pinching, etc.)**

- **Carnal Knowledge: Consensual Sexual Intercourse with a Child Under the Age of 16**

Common Myths 1 & 2

- **MYTH: The Rapist Is Usually a Stranger**

- **FACT: Most Victims (Over 80%) Know Their Assailants & Most Assaults Occur In the Victim's Home/Dorm *(FBI Uniform Crime Report)***

- **MYTH: Sexual Assault Affects Only Women**

- **FACT: While Women 16-23 Are Particularly Vulnerable- Men Suffer 10% of All Reported Sexual Assaults**

Common Myths 3 & 4

- **MYTH: Only the Young & Attractive Are Assaulted**

- **FACT: Everyone, Regardless of Age or Physical Attractiveness, is a Potential Victim of Sexual Assault**

- **MYTH: Sexual Assault Happens Only to People Who Are "Asking For It" By Being Provocative**

- **FACT: Nobody Asks to be Sexually Assaulted, Even Those Who Dress / Act Provocatively- Some Victims May Appear Vulnerable or be Intoxicated, Too Young, or Lack Mental, Physical,**

Common Myths 5 & 6

- **MYTH: Rape is No Big Deal- "It's Only Sex"**

- **FACT: Rape Is ALWAYS a BIG DEAL- Effects Are Often Devastating- It is a Crime Punishable Under UCMJ & Other Federal & State Laws**

- **MYTH: No 1 Person Can Rape Another Person**

- **FACT: It Only Takes 1 Person to Commit Rape- the Rapist May Use Physical Force, Intimidation, Constructive Force or a Weapon**

Common Myths 7 & 8

- **MYTH: Most Rapes Are Inter-racial (Assailants & Victims Are of Different Races)**

- **FACT: Most Rapes Are Intra-racial (Assailants & Victims Are of Same Race)**

- **MYTH: Most Rapes Are Spontaneous (Rapist Sees a Victim / Opportunity & Attacks)**

- **FACT: Most Non-acquaintance Rapes Are Planned- the Assailant May Learn the Victim's Daily Routine & Test the Victim's Reaction to Sexual Remarks to See if He or She Can be Intimidated**

Common Myths 9 & 10

- **MYTH: Rapists Don’t Look Like Other People**

- **FACT: Most Rapists Have No Obvious Sign of Being Different From Anyone Else**

- **MYTH: You Are a Rape Victim if You Are Hysterical & Bruised**

- **FACT: Many Rape Victims Appear Calm & Collected- But Are Suffering From Rape Trauma Syndrome, Victims Might Not Be Bruised, Cut or Beaten**

Common Myths 11 & 12

- **MYTH: Most Rapes Are Reported**

- **FACT: About 16% Reported, 80% Unreported- Victims Are Scared, Ashamed, & Afraid They Won't Be Believed, or Worry the Rapist Will Seek Revenge**

- **MYTH: A Large % of Rape Reports Are False**

- **FACT: Fewer Than 5% Are Unfounded**

DATE RAPE

- **60-80% of All Rape is Date/Acquaintance Rape *(85% of Sexual Assaults Involve Alcohol)***

- **An Intoxicated, Incoherent Female or Male CANNOT Consent to Sex**

- **Lack of Inhibitions & Self Control Due to Alcohol Intake- Increases Risk Factors for Date Rape**

- **Date Rape Assailants Are Criminals Who Use "Peer Pressure" to Commit Sexual Assault- They Go After "Targets of Opportunity" (Unit Newcomers)**

Alcohol & Drug Use

- **Alcohol Can Alter / Weaken Judgment & Clear Thinking**

- **Hurts Ability to Recognize a Bad / Risky Situation**

- **Impairs Ability to Respond / React if Situation Gets “Out of Hand”**

- **Alcohol Use DOES NOT EXCUSE Sexual Misconduct- Assailants Are Responsible For Their Actions**

Tips for Prevention

- ***USE THE BUDDY SYSTEM!***

- **Communicate Your Limits- Don't be Afraid to Hurt Someone's Feelings if You Doubt Your Personal Safety**

- **Say "NO!" Loudly, Forcefully & Often if Someone Makes Unwanted & Inappropriate Sexual Advances**

- **Trust Your Instincts & Stay Alert- Rape Can Happen to Anyone, New People & Places Can be Risky (Dark Alleys Are NOT the Only Places Where Rape Occurs); Know the Myths &**

You Have the Right to Say "NO!" Whenever You Want

This means You Can Say "NO!" Even If You . . .

- Have Been Making Out
- Have Been Drinking
- Have Had Sex Before
- Said "Yes" and Then Changed Your Mind
- Think Your Partner Will Say "You Owe Me"
- Think Your Partner Will Get Angry

Preventive Measures

- **Be Prepared: Before a Date- Plan the Trip Home (Drive Yourself if Sober, Bring Taxi Money, Use the BUDDY System)- Communicate Your Sexual Limits Early & Clearly, Be Aware of the Signals You're Sending**

- **Be Safe: Avoid Secluded/Isolated Places w/ Someone You Don't Know, If You Feel Unsafe or Uncomfortable- Go to a Safe Place ASAP, Ask to Use the Latrine- Then Leave ASAP, If You Do Drink- Don't Overindulge & NEVER Leave a Drink Unattended**

Other Preventive Measures

- **Be Assertive: If You Are Being Pressured to Have Sex Against Your Will- Say "NO!" Loudly While Moving Away, Fight Back if They Are Unarmed, Protest Loudly- Yell "RAPE!" or "FIRE!" & Leave ASAP**

- **Be LOUD: If the Person Does Not Listen, Say "STOP! YOU'RE RAPING ME!", Try to Escape & Make A Lot of Noise if People Are Nearby**

- **Be Creative: Vomit or Pretend to, Urinate, Defecate- Yell Out "I have HERPES/AIDS!" or "My Roommate is Coming Soon"**

BE AWARE….

Watch For Signs That Trouble May Be Coming

- **The Other Person Won't Stop When You Say "NO!"**
- **He or She Threatens to Hurt You**
- **He or She Physically Restrains You**
- **The Person Threatens To- or Uses a Weapon**
- **He or She Tries to Have Sex With You When You Are Too Drunk to Say "NO!"**
- **The Person Suggests Something Bad May Happen If You Don't Give In**

If You Are Raped or Sexually Assaulted….

- **Go to a Safe Place ASAP & Call Local or Military Police *(CID Agents Investigate Sexual Assault Cases)***
- **Don’t Shower, Douche, Change Clothes, Brush Teeth / Hair, or “Clean Up” Yourself Or Location of the Attack In Any Way *(You May Destroy Evidence)***
- **Call a Friend, Rape Hotline, or Chain of Command- Request a Support Person ASAP, or- Go to a Hospital or Clinic & Have Medical Personnel Call the Police *(Take a Change of Clothes With You- Clothes Worn During the Assault May Be Kept as Evidence)***

Victim's Rights: AR 27-10

- **Be Treated w/ Fairness, Dignity & Respect**
- **Be Protected From the Offender**
- **Be Notified (Present at) Court Proceedings**
- **Confer With the Prosecutor**
- **Receive Info About the Court Martial Process**
- **Seek Damages**

If You Know Someone Who Has Been Sexually Assaulted . . .

- **DO** Listen to the Victim- Believe Him or Her
- **DO** Encourage the Victim to Report the Crime ASAP
- **DO** Support the Victim, Show Respect & Treat the Incident Seriously
- **DO** Suggest Counseling (Chaplains, Counselors & Victim Advocates Can Reduce Victim Stress)
- **DON'T** Try to Investigate the Incident Yourself- Inform the Proper Authorities ASAP
- **DON'T** Ask the Victim What They Did to "Cause" the Incident- the Victim Should Never Be Blamed

Victim Counseling Services

- ✓ Yongsan Emergency Room: 737-6001
- ✓ 121 Hosp Nursing Dept: 737-4611
- ✓ Social Services (MAJ Adams): 737-5502
- ✓ 121 Hosp Counseling (COL Kim): 737-7221
- ✓ CID: 737-6186 / 4550
- ✓ Victim Advocacy (SJA): 723-6033
- ✓ Force Protection (MP): 723-7585
- ✓ IG: 723-4006

Tips for Newcomers to Korea I: *"Have Fun- But Be Safe!"*

- **Utilize the *BUDDY* System**
- **Stay with Large Groups of People Until You Learn Your Way Around On & Off Post**
- **Don't Feel Pressured to *"Hit the Town & Party"* or *"Fit In with the Crowd"* Right After Arrival (Factor in Jetlag)**
- **If You Feel Unsafe or Uncomfortable in a Situation- Leave ASAP *(Always Have a Trip Home Plan- Taxi, Friend, Drive Yourself if Sober, etc.)***

Tips for Newcomers to Korea II: *"Have Fun- But Be Safe!"*

- **Learn & Know "Off-Limits" Areas & Places**
- **Don't Overindulge in Alcohol- Stay Aware/Alert**
- **Don't Invite Just Anyone to Your Home or Barracks- or Go to Theirs Unless You Know They Are a Person of Honor & Decency**
- **Safeguard Your Room Key & Ensure Doors Are Fully Locked (Be Cautious of Barracks Mates and/or Roommates)**

Chain of Command-Responsibilities

- **Conduct Prevention of Sexual Harassment & Sexual Assault Training for ALL Newcomers + Twice Per Year for ALL Personnel**
- **Conduct Alcohol Awareness Training**
- **Review/Monitor Barracks Safety & Visitation Policies**
- **Review/Monitor Newcomer Orientation & Sponsorship Programs**
- **Immediately Report Incidents to Proper Agencies**
- **Initiate Immediate & Appropriate Action to Insure Thorough Investigation of All Incidents of Assault**
- **Ensure Full Victim Assistance, Protection,**

DoD Sexual Assault Hotline

On Any Army post in Korea (or at Osan):

DSN 723-0066

Off post anywhere in Korea:

0505-723-0066

(Both Automatically Connect to DoD Hotline in the US- Phones are Manned 24/7)

Inside the US- dial 1-800-497-6261

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Check-on-Learning

1. What is sexual assault?
2. What is the Army's policy on sexual assault?
3. List 5 steps to help prevent sexual assault.
4. Explain the procedure to follow if you are a victim or, if you are helping a victim.
5. List 5 tips for newcomers to Korea.